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PTO/SB/21 (09-04)

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TRANSMITTAL FORM

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Total Number of Pages in This Submission

3

Application Number

09/804,664

Filing Date

March 12, 2001

First Named Inventor

BARAD, Jill E.

Art Unit

3714

Examiner Name

CEGIELNIK, Urszula M.

Attorney Docket Number

MAT.3C7B

ENCLOSURES (Check all that apply)

<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/ Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input checked="" type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input type="checkbox"/> Other Enclosure(s) (please identify below):
<div>Remarks</div> <p>- REPLY BRIEF FOR APPELLANTS</p>		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	Kolisch Hartwell, P.C.		
Signature	<i>Anton E. Hargret 38,47 for Charles DeVoe</i>		
Printed name	Charles H. DeVoe		
Date	March 15, 2006	Reg. No.	37,305

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I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:

Signature	<i>Stephen R. Pendleton</i>		
Typed or printed name	Stephen R. Pendleton	Date	March 16, 2006

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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include entire categories of hazardous, dangerous, and even lethal items, and as such are repugnant to the ordinary meaning of the term.

- Similar issues exist for the claim terms “personalized toy,” “customer-defined identifying material,” and “customer-defined intended recipient.” The Examiner’s Answer ignores the meanings of these terms, as provided in the specification, and urges definitions which find no purchase in the application as filed.
- The Examiner’s Answer fails to identify any motivation to modify the subject matter of the reference as proposed, in order to meet all of the limitations of the rejected claims.
- The Examiner’s Answer fails to demonstrate the absence of a new and inventive functional relationship between the “printed matter” and the “substrate.”
- The Examiner’s Answer does not address applicants’ remarks relating to the rejection under 35 U.S.C. § 112, second paragraph.

Accordingly, applicants continue to respectfully request that the rejections of the pending claims be reversed.

Please charge any additional fees required, or credit any overpayments, to our Deposit Account No. 11-1540.

Respectfully submitted,

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I hereby certify that this correspondence and the attached transmittal are being deposited with the United States Postal Service as first-class mail in an envelope addressed to: Mail Stop Appeal Brief – Patents, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450 on March 16, 2006.

Stephen R Pendleton

Stephen R. Pendleton